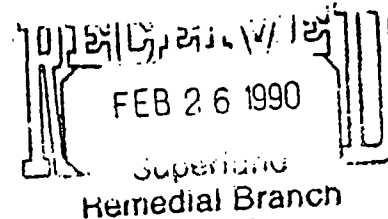


Rocky Flats Cleanup Commission

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Nat Miullo

EPA Superfund Program

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February 21, 1990

Dear Mr. Miullo:

The Rocky Flats Cleanup Commission (RFCC) would like to comment on the Interagency Agreement (IAG) and offer the following suggestions to improve its content. Our comments can be grouped under the headings of Funding, Conflict Resolution, Quality Control, and Public Involvement. Generally, the document was very comprehensive and finally provides the public and agency administrators with a better concept of the order of magnitude of cleanup to be completed at the Plant. We hope our comments are taken into consideration when finalizing the IAG. It is important to produce the best IAG because it will apply for such a long period of time and serve as a model for other IAG's developed around the country.

FUNDING ISSUES

It is clear that a great deal of money will be required to cleanup Rocky Flats. What is not clear is whether or not funding will be made available in a timely manner. We recognize that DOE budgets are subject to Congressional action but we recommend that the following actions be taken to ensure that the schedules are met and cleanup done in a quality manner:

1. With the money allocated to DOE, cleanup should be given a higher priority over production. Cleanup schedules should not be compromised. In light of the end of the Cold War national security will not be jeopardized by building fewer nuclear triggers at Rocky Flats.
2. Adequate funding for personnel should be provided to the Department of Health and EPA to hire upper level scientists and managers to adequately review and manage the cleanup program.
3. Adequate funding should be provided to the Rocky Flats Cleanup Commission to hire technical consultants to help us review the numerous documents pertaining to cleanup. Just in 1990 alone 28 documents are scheduled for completion. The \$50,000 technical assistance grant we received will not be sufficient because we anticipate spending this money in 1990. The schedules in the IAG extend at least through 1996. We recognize that the SARA amendments limit the grant to \$50,000 but we feel an exception should be made for Rocky Flats. It is a complex site with 10 Operable Units, each one of which requires \$50,000 to do a adequate review.

ADMIN RECORD

SW-A-002893

4. Adequate funding should be provided for the hardware, software and storage space required to manage the information generated at the Plant. While space is being made available at the Front Range Community College for a public repository, space is woefully absent at EPA and the Department of Health. A major investment will be required to develop an information management system to link data systems at EPA, DOE and the Department of Health and make it available to the program managers and the general public.

5. Funding should be committed to the retraining of the existing workers at Rocky Flats in cleanup. The goal should be that no worker will lose his/her job when production is phased out and cleanup is phased in. The policy should be that the present workers should be given first option to move from a production job to a cleanup job (with adequate training) before new people are hired at Rocky Flats.

6. In order for the general public to accurately chart the progress of the cleanup, cost estimates should be assigned to the tasks identified in the IAG. This information should be accumulated on a yearly basis and compared to the money actually budgeted for cleanup. We recognize these costs are only preliminary until the additional studies are completed but an effort should be made to estimate the total magnitude of the cleanup costs for budgeting purposes.

CONFLICT RESOLUTION ISSUES

A major portion of the IAG outlines a process to resolve conflicts which might arise amongst the signators to the agreement. The intent of this process is to solve the conflicts at the lowest management level and avoid time consuming lawsuits. While the RFCC generally concurs with this concept, we have the following recommendations to improve it:

1. Lawsuits should be further avoided by the agencies agreeing to a dispute resolution process which subjects any unresolved conflicts to a higher authority. This might include an arbitrator or an arbitration board, a mediator, a special master or any other legal remedy to avoid a lengthy trial. Cleanup at Rocky Flats cannot be delayed by lawsuits and a better system should be developed to avoid them.

2. While provisions are established to keep the agencies out of costly and time consuming lawsuits, similar provisions should be afforded the general public. The public should be integrated into this conflict resolution process because we cannot afford to bring suit against the agencies and we do not want to delay cleanup of the Plant.

3. The discussion of "force majeure" should be strengthened (see page 91) because this exemption should be limited to major events outside the control of the agencies which would delay cleanup. The present text implies that if a minor break occurs in the plumbing or a minor piece of equipment breaks down, this would be sufficient reason to hold the agency harmless from meeting the schedules in the IAG. This should be clarified so that only catastrophic events are included in this discussion.

4. If E.G. and G. is to be held liable for meeting these schedules, they should be a signature to the agreement.

QUALITY CONTROL ISSUES

The RFCC recommends that the following measures be taken to ensure that data collected is of the highest quality and quality workmanship is maintained throughout the cleanup process:

1. An internal and external audit system should be established to ensure not only the program managers but also the public that the contractors are performing the work for which they are paid. A computerized logging system should be developed for the contractors to enter all test data for soil, water and air samples taken during cleanup, dust control measures and all cleanup activities they perform on a daily basis. The public and the program managers need to be assured that the cleanup is being conducted according to the procedures identified in the Health and Safety Plans. If an "independent" audit is conducted and reports issued to the public, these assurances can be verified.
2. Split samples should be taken on a regular basis by the agencies to verify the adequacy of the testing program. Well judged decisions can only be made on reliable data. The RFCC is trying to sort out fact from fiction at the Plant so we can focus our efforts on the greatest problems at the Plant first. Because of the public's fear of offsite pollution, this testing should be completed as rapidly as possible to confirm or disconfirm their fears. The schedule for OU10 should be accelerated.
3. While the RFCC requests that cleanup be accelerated, the quality of the work should not be compromised. If work is adequately scoped in the workplans and the appropriate information gathered, then the recycling of documents should be minimized. Economic incentives should be offered to the contractors to complete the cleanup in a shorter period of time if quality control is maintained. If quality control is not maintained, then fines should be assessed.
4. In the absence of quality data or a full characterization of the Operable Units for which Interim Remedial Actions are being prepared, the Health and Safety Plans should assume the worst site conditions and require the workers to dress accordingly (minimum C level).
5. In order to determine whether or not the proper level of protection was provided to the workers, the health records of the workers the dosage of pollutants to which they were exposed should be maintained for 35 years. This is common practice in the asbestos industry and should apply at Rocky Flats which contains a more harmful pollutant: plutonium. This information will be very important in setting new industry standards and conducting risk assessments.
6. As part of the quality control program a plan needs to be developed for the disposal of the wastes generated during cleanup. Are facilities available to dispose of these wastes or will they have to be stored at Rocky Flats indefinitely?

7. In the first section of the IAG (paragraph 20 on page 12) it is not clear what happens if standards are not met during cleanup. It implies that any action completed under this agreement is final. It should be clarified that "completed" assumes standards are met and maintained during an appropriate monitoring period.

8. A study of the synergistic effects should be made to determine what standards are appropriate for cleanup when more than one pollutant is present. An additive or multiplier factor would be incorporated into the final standards depending upon the number of pollutants present.

9. While an Environmental Impact Statement is appropriate before production resumes, it is not necessary to process environmental assessments or EIS's for cleanup activities. If the documents outlined in the IAG are adequately prepared, EIS's or EA's would be redundant and would only serve to slow up the cleanup process.

PUBLIC INVOLVEMENT ISSUES

While a Community Relations Plan will be developed by the end of this year, this is far too long before the public can participate in an meaningful way. An "Interim" Community Relations Plan should be developed immediately and consist of but not be limited to the following elements:

1. The RFCC should receive a minimum of seven copies of any document pertaining to cleanup. Our Board of Directors consists of fifteen people and this is the minimum number of copies required to complete an expeditious review.

2. The RFCC requests that we have an opportunity to concurrently review the workplans that are developed. It is especially critical for us to be involved in developing the scopes of work so that we are satisfied with the testing programs proposed and cleanup technologies being assessed.

3. The RFCC requests the opportunity to review the Responsiveness Summaries and Decision Documents before work begins on site. At a minimum the Department of Health and EPA should be notified so they can be on site to monitor work activities. This did not occur for the Interim Remedial Action for Hillside 881 and we have been assured this will not happen again.

4. The RFCC would like to receive the press releases at the same time they are received by the respective agencies for review. At a minimum we would like to receive them at the same time as the media.

5. The RFCC requests the opportunity to review the Job Safety Analyses (Health and Safety Plans), Work permits and Excavation permits to ensure precautions are taken to protect the worker and

the surrounding community during construction. We have not received these documents for Hillside 881 nor to our knowledge have EPA or the Health Department. No construction should begin until these plans are approved by the appropriate agencies and given public review.

6. The RFCC requests the opportunity to participate in any amendments to the IAG. After a full characterization of the hazardous waste sites is completed, it may be necessary to reprioritize the cleanup of the remaining OU's. We want to be informed of any disputes which may lead to a revision in the schedules.

7. The agencies should prepare citizen guides or summaries of all cleanup documents to expedite citizen review. The guide to the IAG prepared by the Health Department was excellent.

8. The RFCC would like to contribute an editorial to a quarterly newspaper produced by DOE. This should be part of an editorial page devoted to the views from the RFCC, DOE, EPA, the Health Department and the general public. It is important to generate as much dialogue as possible not only on cleanup but all operations at the Plant. This would be an effective way to reach the broadest public and encourage their participation in all the issues at the Plant.

This concludes our remarks on the IAG and we would like to have the opportunity to discuss with you how our comments might be integrated into the final IAG. Please contact Joe Tempel to arrange a meeting.

Sincerely,


Joe Tempel

cc Department of Energy
Department of Health